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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 CURTIS SHAFFER, et al.,

10 Plaintiffs,

11 v.

12 CITY OF BOULDER, et al.,

13 Defendants.

Case No. 2:10-cv-02228-MMD-GWF  
ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
GEORGE FOLEY, JR.

14 Before the Court is the Report and Recommendation of United States Magistrate  
15 Judge George Foley, Jr. (dkt. no. 71) ("R&R") relating to plaintiff's failure to respond to  
16 the order to show cause or to file a Joint Pretrial Order. (See dkt. no. 70.) No objection to  
17 the R&R has been filed.

18 This Court "may accept, reject, or modify, in whole or in part, the findings or  
19 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
20 timely objects to a magistrate judge's report and recommendation, then the court is  
21 required to "make a *de novo* determination of those portions of the [report and  
22 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails  
23 to object, however, the court is not required to conduct "any review at all . . . of any issue  
24 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
26 magistrate judge's report and recommendation where no objections have been filed. See  
27 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
28 of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Foley's R&R. Upon reviewing the R&R  
10 and the records in this case, this Court finds good cause to accept and adopt the  
11 Magistrate Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and  
13 Recommendation of Magistrate Judge George Foley, Jr. (dkt. no. 71) is accepted and  
14 adopted in its entirety.

15 It is further ordered that the complaint is dismissed with prejudice for failure to  
16 prosecute.

17 The Clerk is directed to close this case.

18 DATED THIS 10<sup>th</sup> day of March 2015.  
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21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
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